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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|--------------------------------|------------------|
| 10/522,890 | 06/07/2005 | Takami Sugioka | 1796-161 | 6601 |
| 6449 7590 02/16/2007 ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005 | | | EXAMINER DONDERO, WILLIAM E | |
| | | | ART UNIT 3654 | PAPER NUMBER |

| SHORTENED STATUTORY PERIOD OF RESPONSE | NOTIFICATION DATE | DELIVERY MODE |
|--|-------------------|---------------|
| 3 MONTHS | 02/16/2007 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/16/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

| | | | |
|------------------------------|---------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/522,890 | Applicant(s) SUGIOKA ET AL. | |
| | Examiner William E. Dondero | Art Unit 3654 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>02/01/2005, 06/07/2005</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1-11, the use of the modifier "type" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "type"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(b).

Regarding Claim 5, the limitation, "a traverse device" in line 2 renders the claim indefinite, because it is unclear whether or not this is the same traverse device referred to in line 3 of Claim 1.

Regarding Claim 6, the limitation, "a traverse device" in line 2 renders the claim indefinite, because it is unclear whether or not this is the same traverse device referred to in line 3 of Claim 1.

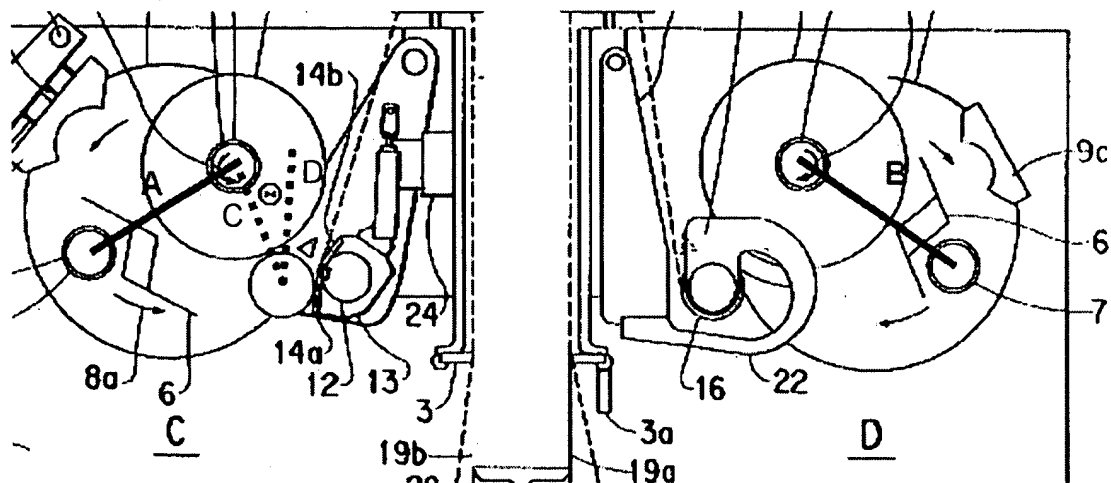
Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Daly et al. (US-6015113). Regarding Claim 1, Daly et al. discloses a revolving type winding machine comprising two turret tables C, D having at least two bobbin holders 5a, 5b rotatably mounted thereon, respectively, a press roller 16 and a traverse device 15 are arranged corresponding to the bobbin holders upstream the respective turret table, whereby a bobbin 7 installed on one bobbin holder is switched to a bobbin 7 installed on the other bobbin holder when the yarn wound on the bobbin reaches a predetermined amount characterized in that the two turret tables are disposed on the opposite sides of a yarn passage, rotational directions of a press roller provided for one turret table and a press roller provided for the other turret table are reversed, rotational directions of the one turret table and the other turret table are reversed, and the center of each press roll touching a bobbin holder or a yarn being wound during winding of yarn is located between an imaginary line A (see figure below) connecting the centers of the two bobbin holders projecting from the one turret table and an imaginary line B (see figure below) connecting the centers of two bobbin holders projecting from the other turret table (Figure 1; Column 6, Lines 49-53).



Regarding Claim 2, Daly et al. disclose an imaginary line C (see Figure above) connecting the center of the press roller and the rotating center of the bobbin holder forms an angle Θ which is not larger than 45° relative to a vertical line D (see Figure above) (Figure 1). Regarding Claim 3, Daly et al. disclose the imaginary lines A, B connecting the centers of the respective bobbin holders form "A" shape at least upon start of yarn winding (Figure 1). Regarding Claim 5, Daly et al. disclose that a traverse device 15 is disposed between the two press rollers (Figure 1). Regarding Claim 7, Daly et al. disclose that the press rollers are moveable so that distance between the centers of the press rollers and the bobbin holders are expanded as the amount of yarn wound on bobbins inserted onto the bobbin holders increase (Figure 1). Regarding Claim 8, Daly et al. disclose the turret tables having the holders projecting therefrom are moveable so that distance between the centers of the bobbin holders and the press rollers are expanded as the amount of yarn wound on bobbins inserted onto the bobbin holders increase (Figure 1). Regarding Claim 9, Daly et al. disclose the press rollers are linearly moveable (Figure 1). Regarding Claim 10, Daly et al. disclose the press

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roller is rotatably supported at an end of an arm 18, the other end of the arm is pivoted (Figure 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daly et al. (US-6015113). Daly et al. disclose the revolving type winding machine as advanced above in regards to Claim 1. Daly et al. are silent about a feed roller disposed upstream the winding machine. However, it is notoriously old and well-known to add a feed roller to a yarn spinning machine upstream of the winding apparatus. It would have been obvious to one of ordinary skill in the art at the time of the invention to add a feed roller upstream of the winding machine of Daly et al. to provide more time for the yarn to quench and cool while maintaining a constant feed speed to the bobbins.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daly et al. (US-6015113) as applied to claims 1-3, 5, and 7-10 above, and further in view of Tschentscher (US-4136834). Daly et al. are silent about a threading device. However, Tschentscher discloses a threading device 22, 23a-d disposed corresponding to a bobbin holder located at winding position, the threading device is provided with a threading guide 23a-d, and during storage (Figure 1), the threading guide is located at a storing position which is sandwiched by loci drawn by outer surfaces of bobbins inserted

onto the bobbin holders projecting from a turret table upon rotation of the turret table, while upon threading, a plurality of threading guides 23a-d are moveable in such directions that they move away from each other from the storing position to threading position (Figure 3) which exceeds contacting lines between the press roller and other surfaces of rotating bobbins which are contacting with the press rollers (Figures 1 and 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to add a threading device of Tschentscher to each turret table of the machine of Daly et al. to eliminate the need for the operator to manually thread up each bobbin thus decreasing downtime and increasing production time.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daly (US-6015113) as applied to claims 1-3, 5, and 7-10 above, and further in view of Schippers et al. (US-4505437). Daly et al. are silent about the traversing device having a plurality of rotating blades, rotating in an opposite direction, so as to traverse the arm. However, Schippers et al. discloses a traversing device 1 having a plurality of rotating blades 5, 6, rotating in an opposite direction, so as to traverse a yarn (Figures 1, 1A). It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the traversing guide of Daly et al. with the traversing guide of Schippers et al. to increase the speed and efficiency of the traversing device while shortening the spindle length as taught by Schippers et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Dondero whose telephone number is 571-

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272-5590. The examiner can normally be reached on Monday through Friday 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

wed



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